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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,976	10/10/2001	Chieh-Feng Wu	MR1957-599	6231
4586	7590	04/09/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLIOTT CITY, MD 21043			WILLS, MONIQUE M	
		ART UNIT	PAPER NUMBER	
		1746		

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/972,976	<b>Applicant(s)</b> WU, CHIEH-FENG
	<b>Examiner</b> Wills M Monique	<b>Art Unit</b> 1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 January 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

This Office Action is responsive to the Amendment filed January 14, 2004. The rejection of claims 1 & 3 under 35 U.S.C. 102(e) as being anticipated by Ikeda et al., U.S. Patent 6,240,637, is overcome. The rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Pavlov et al., U.S. Patent 6,509,118, in view of Ikeda et al., U.S. Patent 6,240,637, is overcome. The rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Pavlov et al., U.S. Patent 6,509,118, in view of Meggiolan U.S. Pub. 2002/0094474, is overcome. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavanture U.S. Patent 6,521,371 in view of Whitley, II et al., U.S. Des. 321,856 and further in view of Pavlov et al., U.S. Patent 6,509,118 as evidentiary support. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lavanture U.S. Patent 6,521,371 in view of Whitley, II et al., U.S. Des. 321,856, as applied to claim 1, and further in view of Meggiolan U.S. Pub. 2002/0094474.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavanture U.S. Patent 6,521,371 in view of Whitley, II et al. U.S. Des. 321,856 and further in view of Pavlov et al. U.S. Patent 6,509,118 as evidentiary support.

Lavanture teaches an adaptable battery tray (abstract). With respect to claim 1, the battery tray comprises a stage 32 with a battery tank; the battery tank has a first pair of side walls 24 extending in the longitudinal direction and a second pair of sidewalls 22 extending in the lateral direction; the first pair of side walls 24 are substantially orthogonal to the second pair of side walls 22; a pair of clamping members 47 are projected orthogonally from the second pair of side walls 22; each clamping member has an aperture 58 formed there through; a pair of wing portions 61 are projected orthogonally from a respective one of said first pair of side walls 24; each wing portion has at least one through hole 71 formed there through; fixing means 108 secures stage 32 to upper shell 104 of the portable electronic product (battery); said fixing means 108 is received by at least one through hole of clamping members 47 (col. 4, lines 35-45). See Figures 2 & 3. With respect to claim 3, wing portion 61 has an indent 68 on one side of the through hole. See Figs. 4 & 5.

Lavanture is silent to the through hole, in the wing portion, receiving fixing means (claim 1). The reference does not expressly disclose two electrode plates on the battery tank (claim 2).

Whitley teaches that it is conventional to employ fixing means through the aperture of a wing portion in a battery tray (Fig. 1).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the fixing means of Whitley in the apertures of the wings of Lavanture, to increase securing the battery to the storage tray.

With respect to claim 2, Lavanture teaches a battery tray for lead acid cells (col. 1, lines 5-10), but does not expressly disclose two electrode plates on the side walls of the battery tank. It would be reasonable to expect the battery of Lavanture to include multiple electrode plates, that would subsequently, be arranged on the walls of the battery tray, because lead acid batteries typically contain multiple electrode plates (See Pavlov Fig. 1). Therefore, irrespective of orientation, at least two electrode plates would be arranged on the side walls of the tray, when the battery is supported.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lavanture U.S. Patent 6,521,371 in view of Whitley, II et al. U.S. Des. 321,856 , as applied to claim 1 above, and further in view of Meggiolan U.S. Pub. 2002/0094474.

Lavanture in view of Whitley teach a battery case as described hereinabove, in order to firmly secure a battery case in position.

Lavanture is silent to employing projection rings on the side of the through hole.

Meggiolan teaches that rings are conventional used around recesses for receiving axially locking structures to hold screws in place.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the rings of Meggiolan in the screw holes of Lavanture, in order to firmly hold the screws in place.

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Monique Wills whose telephone number is (571) 272-1309. The Examiner can normally be reached on Monday-Friday from 8:30am to 5:00 pm.

If attempts to reach Examiner by telephone are unsuccessful, the Examiner's supervisor, Randy Gulakowski, may be reached at 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mw

04/02/04

*Bruce Bell*  
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PRIMARY EXAMINER  
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